

**US Army Corps
of Engineers**
Louisville District ®

Joint Public Notice

Public Notice No.
LRL-2017-00092

Open Date:
5 Oct 2017

Close Date:
6 Nov 2017

Please address all comments and inquiries to:
U.S. Army Corps of Engineers, Louisville District
ATTN: Pam Loeffler, CELRL-RDS, Rm 752
P.O. Box 59
Louisville, Kentucky 40201-0059

Phone: 502-315-6693

This notice announces an application submitted for a Department of the Army (DA) Permit, subject to Section 404 of the Clean Water Act (CWA) and for State Water Quality Certification pursuant to Section 401 of the CWA from the Indiana Department of Environmental Management, Office of Water Quality.

APPLICANT: Advanced Disposal Services Blackfoot Landfill, Incorporated
ATTN: Mr. David Rettell
10690 West Six Mile Road
Northville, MI 48168

AGENT: Civil & Environmental Consultants, Incorporated
Attn: Mr. Mark Haibach
333 Baldwin Road
Pittsburgh, PA 16143

LOCATION: Unnamed tributary to Durham Ditch and Patoka River on a 384-acre parcel located at 3726 E. State Road 64, near Winslow, in Pike County, Indiana
Latitude: 38.3188
Longitude: -87.209
7.5 Minute Quad: Augusta IN

PURPOSE: Landfill Expansion – Disposal Cells 7 - 12

DESCRIPTION OF WORK: The applicant proposes to expand the previously approved landfill, which would require impacts to 1,163 linear feet (lft) of intermittent stream (INT-1), 949 lft of perennial stream (PER-2 – fill and relocation), 3.19 acres of wetlands D, E, F, and G, and 1.33 acres of open water strip pits OW-1 and OW-2

The landfill expansion includes cells 7 through 12 as depicted on Figure #2. The cells containing wetlands, streams and other waters would be constructed over the next 36 years, with the majority of the aquatic impacts occurring over the next 13 years. Some of the proposed impacts were previously authorized for this project under DA Permit No. LRL-2005-01692, but were not filled until after LRL-2005-01692 expired. Specifically, 174 lft of INT-1, 0.19 acre of Wetland D, and 0.32 acre of OW-1 were previously authorized and were filled.

AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES: Minimization of impacts would be achieved by modification to the landfill expansion through avoidance of 3.91 acres of the open water that are contained within Cell 12 and within the Maximum Airspace for the landfill (See Figure #3). Use of landfill liners and leachate collection and disposal systems would reduce potential impacts to groundwater. The mitigation that was approved under the previous permit was constructed in 2010 and monitored from 2011 through 2016. Success criteria was not met, and it was determined that due to the challenges associated with achieving the required performance standards at this mitigation site, an off-site mitigation option to replace the on-site mitigation should be considered. As such, the applicant has proposed the purchase and donation of the 40-acre Freeman Tract (Figure #5) located in Gibson County, Indiana to the Patoka River National Wildlife Refuge, as compensation for impacts to aquatic resources, for the previous permit and this proposal. This proposed mitigation site contains 37.5 acres of mature forested wetland and an additional 2.5 acres consists of a high quality buttonbush-willow swamp. There are also 1,358 feet of intermittent and 231 ft of ephemeral streams contained within the site. If this off-site mitigation proposal is accepted as replacement for the on-site mitigation, then the applicant would discontinue monitoring and management of the on-site mitigation areas, and the aquatic resources would be treated by the applicant as existing waters, regulated under Sections 401 and 404 of the Clean Water Act.

It is noted that this proposed mitigation plan is open to comment and subject to change. The Corps will make a determination of appropriate mitigation, upon review of all submitted information.

REVIEW PROCEDURES: A DA Permit cannot be issued if any legally required Federal, State, or local authorization or certification is denied. A DA Permit, if otherwise warranted, will not be issued on this project until a State of Indiana Section 401 Water Quality Certification (WQC) from the Indiana Department of Environmental Management (IDEM) is on file in this office or it is considered waived. This Public Notice serves as the notice for a Clean Water Act Section 401 application for water quality certification from the IDEM. IDEM will review this proposal for compliance with the applicable provisions of Section 301, 302, 303, 306 and 307 of the CWA, including the state water quality standards currently set forth at 327 IAC 2. They will consider comments regarding this proposal postmarked by the closing date of this notice. Comments to IDEM should be addressed to: IDEM, Office of Water Quality, Section 401 WQC Program, 100 N. Senate Avenue Room N1255, Indianapolis, Indiana 46204. The applicant is responsible for obtaining the certification from IDEM.

Copies of this notice are sent to the appropriate Federal and State Fish and Wildlife Agencies. Their views and comments are solicited in accordance with the Fish and Wildlife Coordination Act of 1956. Based on available information, the proposed activity will not destroy or endanger any Federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act, and therefore, initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. A request for a public hearing must state the specific interest which might be damaged by issuance of the DA Permit.

The National Register of Historic Places has been examined, and it has been determined that there are no properties currently listed on the Register which would be directly affected by the proposed work. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archaeological, scientific, prehistoric, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 – Public Law 89-665 as amended (including Public Law 96-515).

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among those are conservation, economics, aesthetic values, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use, navigation, recreation, water supply, water quality, energy needs, safety, food production, and in general, the needs and welfare of the public. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines (40 CFR Part 230) promulgated by the Administrator, United States Environmental Protection Agency (USEPA), under authority of Section 404(b) of the CWA.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. It is presumed that all interested parties and agencies will wish to respond; therefore, a lack of response will be interpreted as meaning that there is no objection to the proposed project. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Written statements received in this office on or before the closing date will become a part of the official record and will be considered in the determination on this permit request. Any objections which are received during this period will be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. A permit will be granted unless its issuance is found to be contrary to the public interest.

Information pertaining to this application is available for public examination during normal business hours upon prior request. Drawings are available on Louisville District's Internet site at <http://www.lrl.usace.army.mil/Mission/Regulatory.asp>. All comments regarding this proposal should be addressed to Ms. Pam Loeffler, CELRL-RDS at the address noted above and should refer to the Public Notice Number LRL-2017-92-pjl.

Regulatory Division
South Branch
Public Notice No. LRL-2017-92-pjl

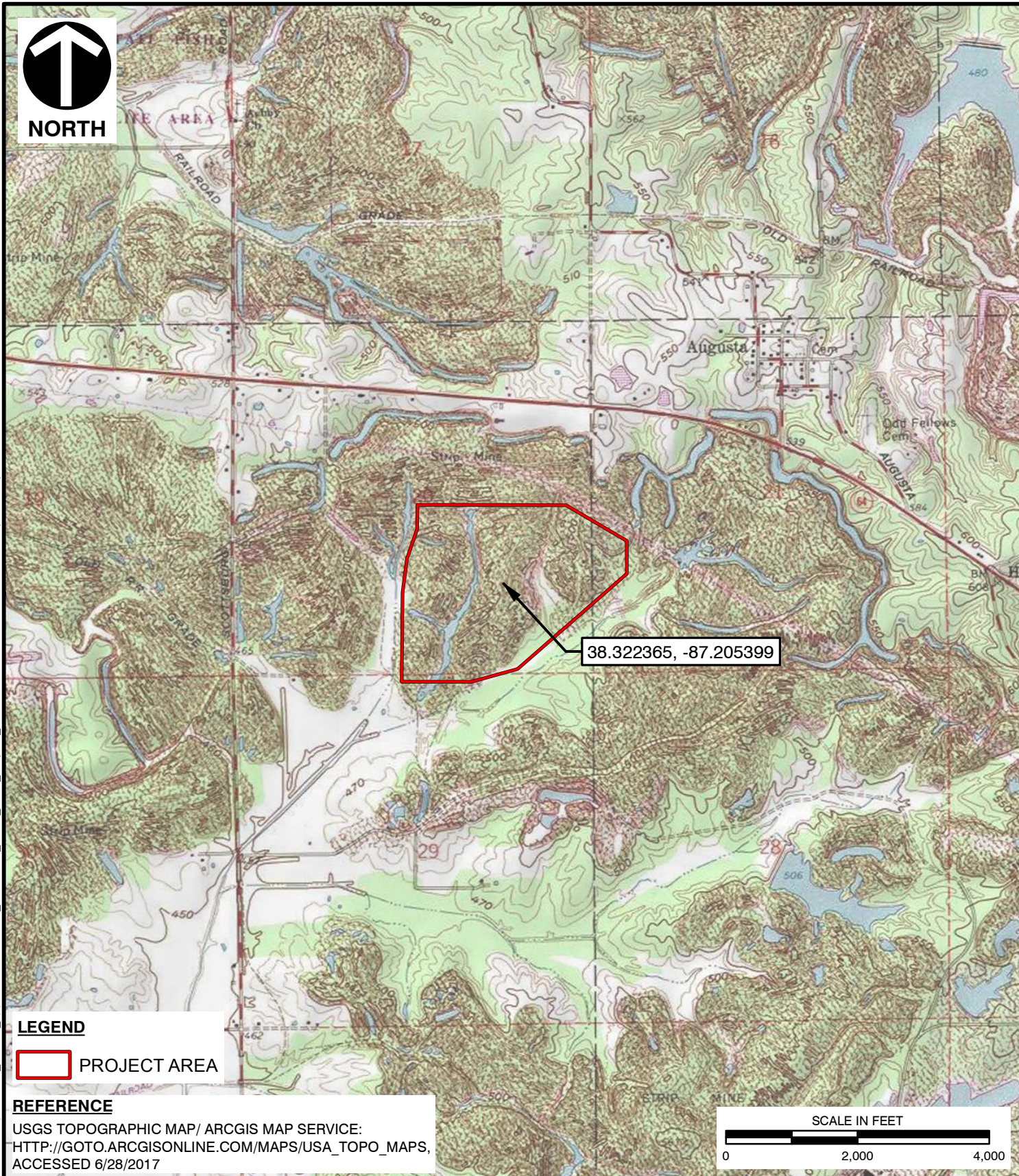
If you desire to submit your comments by email, you must comply with the following:

- a) In the subject line of your email, type in **ONLY** the Public Notice ID No. LRL-2017-92-pjl.

Example:

Subject: LRL-2017-92-pjl

- b) Provide your physical mailing address and telephone number.
- c) Send your email to: lrl.regulatorypubliccomment@usace.army.mil.
- d) If you are sending attachments greater than 1 Mb in size with your email, you must send a hard copy (CD or paper) to the Corps' physical address as well.

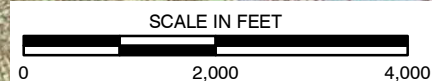


LEGEND

 PROJECT AREA

REFERENCE

USGS TOPOGRAPHIC MAP/ ARCGIS MAP SERVICE:
[HTTP://GOTO.ARCGISONLINE.COM/MAPS/USA_TOPO_MAPS](http://GOTO.ARCGISONLINE.COM/MAPS/USA_TOPO_MAPS),
ACCESSED 6/28/2017



Civil & Environmental Consultants, Inc.

333 Baldwin Road - Pittsburgh, PA 15205-9072

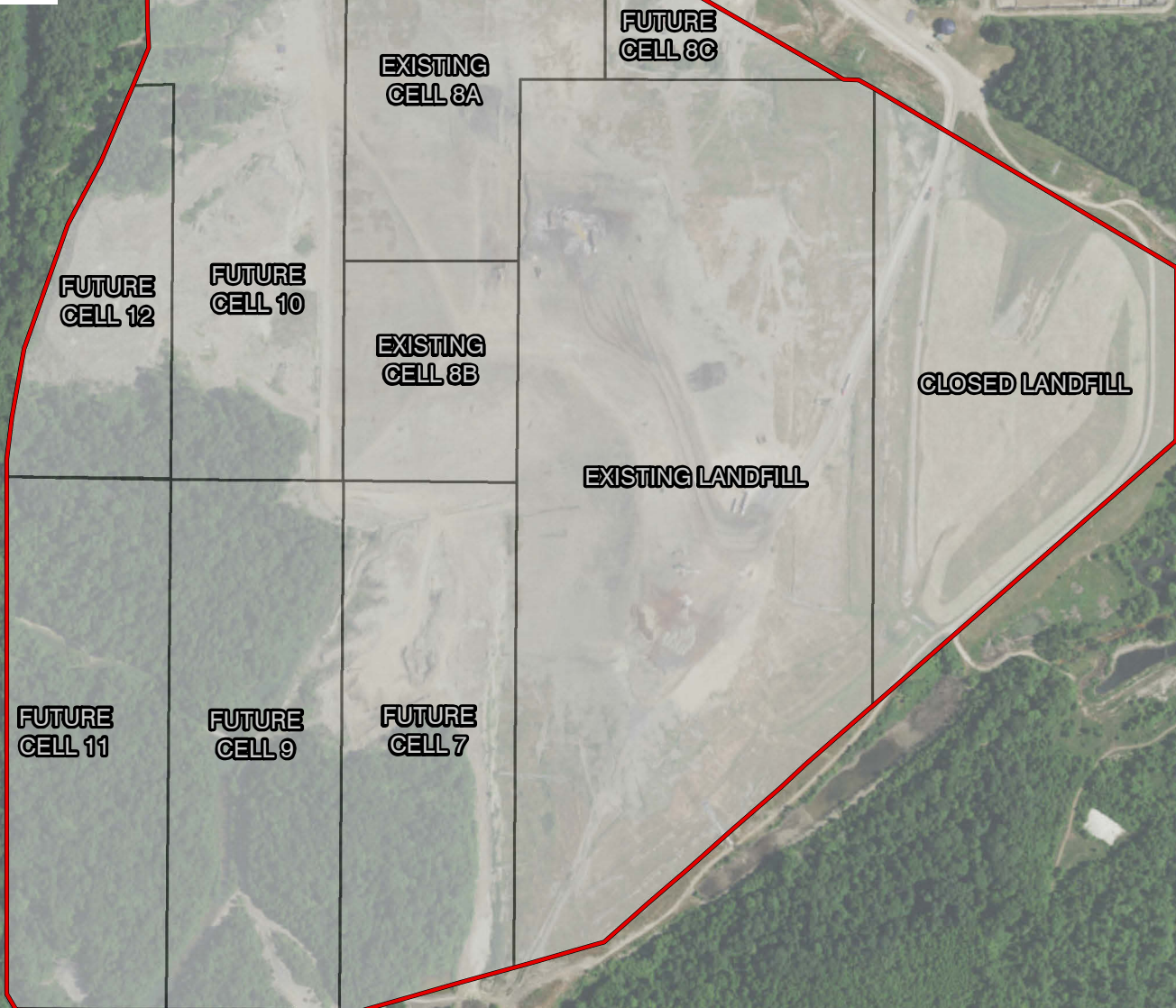
412-429-2324 • 800-365-2324

www.cecinc.com

ADVANCED DISPOSAL SERVICES, INC.
BLACKFOOT LANDFILL EXPANSION
PIKE COUNTY, INDIANA
COE Public Notice LRL-2017-92-pjl

PROJECT LOCATION MAP

DRAWN BY:	NJH	CHECKED BY:	JAI	APPROVED BY:	* Hand signature on file MRH*	FIGURE NO:	1
DATE:	6/28/2017	SCALE:	1" = 2,000'	PROJECT NO:	152-780		



LEGEND

- SITE LIMITS
- CELLS

REFERENCE

ESRI WORLD IMAGERY / ARCGIS MAP SERVICE:
HTTP://GOTO.ARCGISONLINE.COM/MAPS/WORLD_IMAGERY,
ACCESSED 8/29/2017, IMAGERY DATE: 2014.



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PIKE COUNTY, INDIANA

LANDFILL CELLS 7-12

DRAWN BY:	NJH	CHECKED BY:	JAI	APPROVED BY: * Hand signature on file	MRH*	FIGURE NO:	2
DATE:	8/29/2017	SCALE:	1" = 500'	PROJECT NO:	152-780		

OW-2 STRIPM
(3.85 ACRES)

Disturbance Limit

Disturbance Limit \rightarrow

PER-2 STREAM (1,418 L.F.) -

Disturbance Limit ---^

- STORMWATER POND

EXISTING

FUTURE

FUTURE

I-5 OW-1 MINE PIT-LAKE



EXISTING

EXISTING

WETLAND "A" (1.29 A)

WETLAND "C" (0.11 AC)

M-1 WETLAND (2.19 ACR)

WETLAND "B" (2.45 ACRES)

M-2 WETLAND (1.46 ACR)

- PER-1 STREAM (4,284 L.F.)

M-5 OPEN WATER (0.39 AC)

~~M-3 STREAM (684 L.F.)~~

PER-1 STREAM (4,284 L.F.)

—M-4 STREAM (479 L.F.)

STORMWATER POND

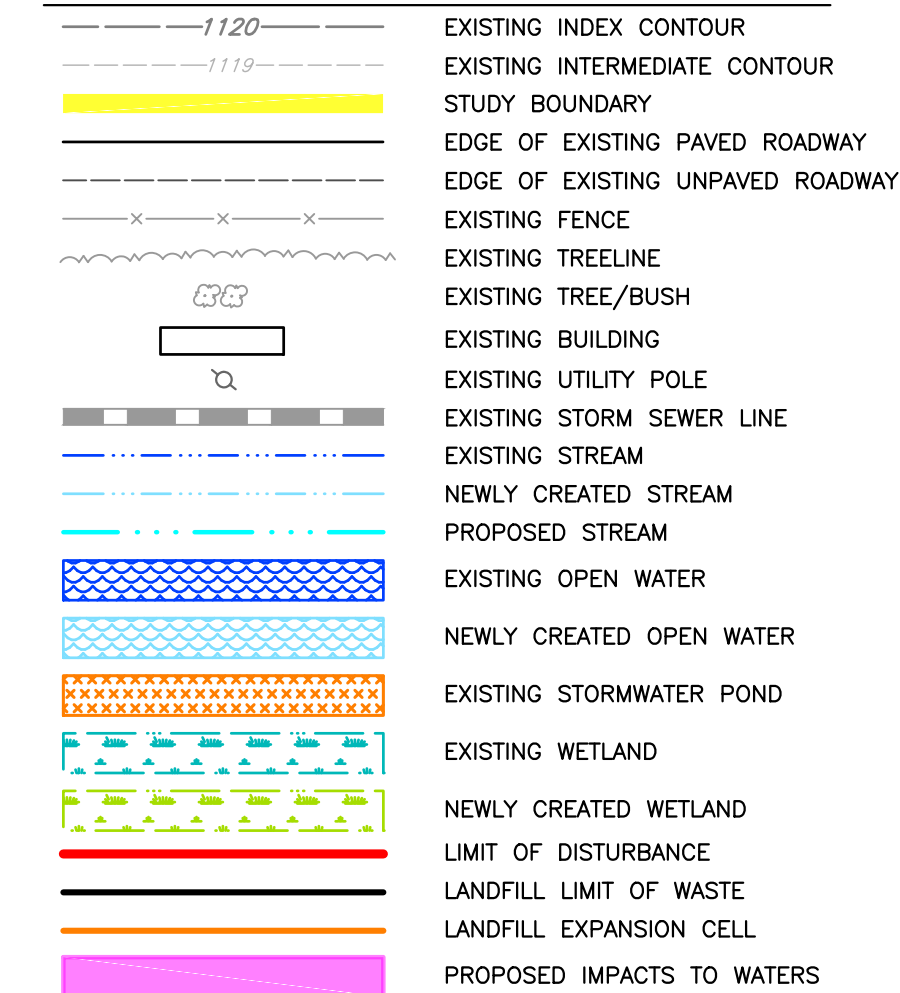
STORMWATER POND

REFERENCE

1. AERIAL SURVEY WAS CONDUCTED BY KBM, INC. ON OCTOBER 3, 2004.
2. SURVEY PERFORMED PER REQUIREMENTS OF 329 IAC 10-20-24 (C).

SUBMITTAL & REVISION RECORD		
NO	DATE	DESCRIPTION

LEGEND



WATERS IMPACTS						
Type	ID	USF&WS Classification	Existing		Impacts	
			Area (acres)	Length (feet)	Area (acres)	Length (feet)
Wetland	A	PEM1H	1.29	---	0.00	---
Wetland	B	PEM1/2H	2.45	---	0.00	---
Wetland	C	PEM1C	0.11	---	0.00	---
Wetland	D	PEM1Ca	2.85	---	2.85	---
Wetland	E	PUB3Ca	0.05	---	0.05	---
Wetland	F	PEMC	0.05	---	0.05	---
Wetland	G	PF01/PEM1C	0.24	---	0.24	---
Wetland	M-1	PEM1C	2.19	---	0.00	---
Wetland	M-2	PEM1C	1.46	---	0.00	---
Wetland	M-6	PEM1C	1.77	---	0.00	---
Total Wetlands			12.46		3.19	
Stream	PER-1	R3UB	---	4,284	---	0
Stream	PER-2	R3UBa	---	1,418	---	945
Stream	INT-1	R4UBa	---	1,163	---	1,163
Stream	M-3	RAUB	---	647	---	0
Stream	M-4	RAUB	---	438	---	0
Total Streams				7,950		2,112
Open Water	OW-1	PUBHa	1.00	---	1.00	---
Open Water	OW-2	PUBHa	3.85	---	1.96	---
Open Water	M-5	PUBHx	0.39	---	0.00	---
Total Open Water			5.24		2.96	



Civil & Environmental Consultants, Inc.
333 Baldwin Road · Pittsburgh, PA 15205
Ph: 412.429.2324 · 800.365.2324 · Fax: 412.429.2114
www.cecinc.com

**ADVANCED DISPOSAL SERVICES, INC.
BLACKFOOT LANDFILL EXPANSION
GIBSON COUNTY,
INDIANA**

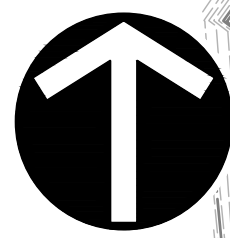
DRAWN BY: LKC				CHECKED BY: MRH		APPROVED BY: MRH*	
DATE: AUGUST 2017				DWG SCALE: AS SHOWN		PROJECT NO: 152-780	

WATERS MAXIMUM IMPACT PLAN
COE Public Notice LRL-2017-92

3

SCALE IN FEET

0 200 400



NORTH

SUBMITTAL & REVISION RECORD

NO	DATE	DESCRIPTION

LEGEND

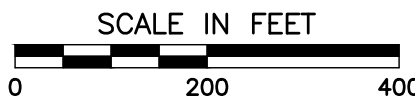
1120	EXISTING INDEX CONTOUR
1110	EXISTING INTERMEDIATE CONTOUR
	STUDY BOUNDARY
	EDGE OF EXISTING PAVED ROADWAY
	EDGE OF EXISTING UNPAVED ROADWAY
	EXISTING FENCE
	EXISTING TREELINE
	EXISTING TREE/BUSH
	EXISTING BUILDING
	EXISTING UTILITY POLE
	EXISTING STORM SEWER LINE
	EXISTING STREAM
	NEWLY CREATED STREAM
	PROPOSED STREAM
	EXISTING OPEN WATER
	NEWLY CREATED OPEN WATER
	EXISTING STORMWATER POND
	EXISTING WETLAND
	NEWLY CREATED WETLAND
	LIMIT OF DISTURBANCE
	LANDFILL LIMIT OF WASTE
	LANDFILL EXPANSION CELL
	PROPOSED IMPACTS TO WATERS

WATERS IMPACTS						
Type	ID	USF&WS Classification	Existing		Impacts	
			Area (acres)	Length (feet)	Area (acres)	Length (feet)
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Wetland	F	PEMC	0.05	---	0.05	---
Wetland	G	PFO1/PEM1C	0.24	---	0.24	---
Wetland	M-1	PEM1C	2.19	---	0.00	---
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Disturbance Limit

REFERENCE

1. AERIAL SURVEY WAS CONDUCTED BY KBM, INC. ON OCTOBER 3, 2004.
2. SURVEY PERFORMED PER REQUIREMENTS OF 329 IAC 10-20-24 (C).



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INDIANA

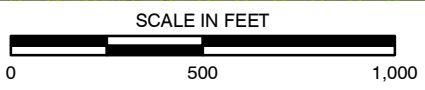
DRAWN BY: LKC CHECKED BY: MRH APPROVED BY: MRH
DATE: AUGUST 2017 DWG SCALE: AS SHOWN PROJECT NO: 152-780

WATERS PROPOSED IMPACT PLAN
COE Public Notice LRL-2017-92



4



\\svr-pittsburgh\projects\2015\152-780\GIS\Maps\EC03_Permit_Application\Section_4\152780_EC03_FIG5_Site_Exhibit.mxd 6/28/2017 6:40 PM (nhetrick)



LEGEND

-  MITIGATION SITE
-  PATOKA RIVER NWR

REFERENCE

IMAGERY FROM GOOGLE EARTH PRO, DATED: MARCH 2016.

COE Public Notice LRL-2017-92



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333 Baldwin Road - Pittsburgh, PA 15205-9072

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ADVANCED DISPOSAL SERVICES, INC.
BLACKFOOT LANDFILL
FREEMAN TRACT MITIGATION SITE
GIBSON COUNTY, INDIANA

SITE EXHIBIT

DRAWN BY:	NJH	CHECKED BY:	MRH	APPROVED BY: <small>* Hand signature on file</small>	MRH*	FIGURE NO:	5
DATE:	6/28/2017	SCALE:	1" = 500'	PROJECT NO:	152-780		